IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY POWERS, : CIVIL ACTION

:

Plaintiff, :

v. : No. 19-4685

SOUTHEASTERN PENNSYLVANIA : TRANSPORTATION AUTHORITY, et :

al.,

Defendants.

<u>ORDER</u>

AND NOW, this 23rd day of June, 2021, upon consideration of Defendants' "Motion to Strike and Partial Motion to Dismiss Plaintiff's Third Amended Complaint" (ECF No. 40), Plaintiff's response in opposition thereto (ECF No. 42), Defendants' Reply (ECF No. 45), and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the motion (ECF No. 40) is **GRANTED IN PART** and **DENIED IN PART** as follows:

• Defendants' motion is **GRANTED** as to (1) all claims for punitive damages against Defendants Michaeleen Benson, Marlene Waddell, and Arthur Locks (collectively, the "Individual Defendants"); (2) Counts I, II, IV, V, VI, and VIII to the extent Plaintiff claims a hostile work environment based on race, gender, and disability; (3) all claims for disparate treatment based on gender; (4) all claims based on Defendants' alleged failure to accommodate Plaintiff's disability; (5) Counts VII and VIII against Defendant Waddell; and (6) Count I against Defendant Locks.

• Defendants' motion is **DENIED** as to (1) Counts VII and VIII against Defendants Benson and Locks; (2) Count I against Defendants Waddell and Benson; and (3) Counts II, IV, V, VI, and VIII to the extent Plaintiff claims disparate treatment and retaliation based on race and disability.

BY THE COURT:

/s/ Mitchell S. Goldberg MITCHELL S. GOLDBERG, J.